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ORDINANCE NO. 46-177

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2004-00007**

Zone change eliminate Restrict Covenant #28 and create Protective Overlay District #135 on property zoned "LC" Limited Commercial and described as:

Lot 1 Beg SW Cor N 188 Ft E 137 Ft N 22 Ft E 49 Ft S 10 Ft to Pt on N LI Lot 2 W 24 Ft to NW Cor Lot 2 S 175 Ft to SLY Most Cor Com Lots 1 & 2 SWLY 103.36 Ft W 62 Ft to Beg Westview 3rd Add. Generally located north of Maple and west of Ridge.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #135:**

1. Uses on the property shall be limited to: all uses permitted under the "NR" Neighborhood Retail district regulations, and a carpet showroom, which will display carpet samples for sale, but does not include the storage or warehousing of any carpet product.
2. A minimum 20 foot landscaped area shall be maintained along Brunswick with solid screening of evergreen trees planted and maintained in this area, except the south 25 feet of the property.
3. A wrought iron fence shall be constructed along the west property line.
4. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent residential zoning district across Brunswick.

5. A maximum of one pole or monument sign shall be permitted. No signs shall be permitted along the Brunswick frontage.
6. A minimum building setback line of 35 feet shall be required along the Maple St. frontage.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS, May 11, 2004.**

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Carlos Mayans, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney